

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
Plaintiff	§	
v.	§	Case No. 18-CR-00115
	§	
RODOLFO RUDY DELGADO	§	
Defendant	§	

UNOPPOSED MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Rodolfo Rudy Delgado, by and through his undersigned counsel and, brings this Unopposed Motion for Continuance, and in support hereof, defendant would show the court the following:

A. Unopposed Request for Continuance.

Jury Selection/Trial is scheduled for Monday, February 25, 2019. For the reasons set forth below, Defendant requests a continuance. Undersigned counsel has had several conversations with Government counsel regarding the matters described below. Government counsel authorized undersigned counsel to communicate to the Court that the Defendant's need for a continuance is reasonable, and is therefore unopposed to Defendant's request for a continuance of trial.

B. Need for Continuance.

Undersigned counsel is currently in a federal trial in the Laredo Division of the Southern District of Texas, *United States v. Harsh Jaggi, et al*, Cr. No. 5:17-cr-00560, the Honorable U.S. District Judge Marina Garcia Marmolejo presiding. The *Jaggi* case involves six defendants in trial, three Government trial prosecutors, and at least one additional Government prosecutor assisting with document management and other issues. The case was designated a complex case at its inception. Originally anticipated to be a less-than-two-week trial, the *Jaggi* trial is now in its third week, and will undoubtedly continue through next week and likely into the week of February 4. Had the *Jaggi* trial finished as expected, undersigned counsel would have had enough time to prepare. Given the

complexity of the instant case, however, the extended nature of the *Jaggi* trial is significantly impacting undersigned counsel's ability to adequately prepare for the instant *Delgado* trial.

Additionally, it is unknown at this point whether, or perhaps more accurately, to what extent the current government shutdown will affect trial in the instant case under its current February setting.

D. Requested Conference.

All attorneys in the instant case respectfully request a telephone conference with the Court to discuss these issues. Preferably, given the pretrial motions deadline scheduled for this coming Monday, January 28th, all attorneys respectfully request a conference on this Friday, January 25th as the Court in *Jaggi* will not be in session this Friday. Should the Court be inclined to grant the motion for continuance, all attorneys are available to confer with the Court relative to calendar availability.

Defendant and undersigned counsel have been diligent in preparing for trial in the instant case. Multiple trips have occurred to meet with potential witnesses, and a significant degree of work has occurred in assimilating and analyzing potential exhibits. Accordingly, this motion is not made for unnecessary purposes of delay, but rather in the interest in justice. Undersigned counsel has conferred with Defendant, and Defendant concurs that a continuance is needed in order to adequately avail himself of his Constitutional rights.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully prays that this Honorable Court will grant this Motion for Continuance.

Respectfully submitted,

/s/ Michael McCrum

Michael McCrum

Texas State Bar No. 13493200

MCCRUM LAW OFFICE

404 E. Ramsey, Suite 102

San Antonio, TX 78216

(210) 225-2285; (210) 225-7045 (fax)

Counsel for Defendant Rodolfo Delgado

Certificate of Conference

I hereby certify that undersigned counsel's office conferred with DOJ Trial Attorney Peter Nothstein and AUSA Rob Jones regarding the matters described above and received confirmation that the government does not oppose a continuance of the trial setting, as described above.

/s/ Michael McCrum
Michael McCrum

Certificate of Service

I hereby certify that a copy of the above and foregoing document has been filed electronically, on this the 23rd day of January 2019 and a copy sent to the United States Attorney's Office, and all other counsel through the court's electronic filing system.

/s/ Michael McCrum
Michael McCrum

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA
Plaintiff

v.

RODOLFO RUDY DELGADO
Defendant

§
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§
§

Case No. 18-CR-00115

ORDER

THIS MATTER having come before the Court on the Defendant's Unopposed Motion for Continuance, the Court finds the requested continuance is made for good cause and is not interposed for purposes of delay.

IT IS HEREBY ORDERED that the Defendant's Unopposed Motion for Continuance is hereby GRANTED. All settings in this case will be reset by further order of this Court.

SIGNED AND ENTERED, on this the ____ day of _____, 2019.

ALFRED H. BENNETT
UNITED STATES DISTRICT JUDGE